

5.0 CONCLUSIONS AND RECOMMENDATIONS

5.1 SUMMARY OF THE STAFFS' ENVIRONMENTAL ANALYSIS

The Agency Staffs have determined that construction and operation of the North Baja Pipeline Expansion Project would result in adverse environmental impacts. These impacts would be most significant during the period of construction. This determination is based on a review of the information provided by North Baja and further developed from data requests; field investigations; scoping; literature research; alternatives analysis; and contacts with Federal, State, and local agencies, and individual members of the public. The Agency Staffs have concluded, however, that the Project would be an environmentally acceptable action. Although many factors were considered in this determination, the principal reasons are:

- 99 percent of the proposed pipeline facilities would be constructed in or adjacent to various existing rights-of-way;
- no new permanent right-of-way would be required for the B-line, and the permanent rights-of-way for the Arrowhead Extension and the IID Lateral would be limited to a maximum width of 35 feet and 30 feet, respectively;
- North Baja would implement its CM&R Plan, SPCC Plan, HDD Plan, Traffic Management Plans, Blasting Specifications, PRMM Plan, Dust Control Plan, Fire Prevention and Suppression Plan, Site-specific Residential Construction Mitigation Plans, OHV Plan, POD, and Unanticipated Discovery Plan for Cultural Resources to protect natural and cultural resources and residential areas during construction and operation of the Project;
- use of the HDD method would avoid disturbances to the beds and banks of the Colorado River, the All-American Canal, and the East Highline Canal and associated wetlands/riparian areas;
- the appropriate consultations with the FWS, the CDFG, the SHPOs, and Native American tribes would be completed before North Baja would be allowed to begin construction in any given area; and
- an environmental inspection and MMP would ensure compliance with all mitigation measures that become conditions of the FERC Certificate, the CSLC's amended lease, and other approvals.

In addition, the Agency Staffs developed specific mitigation measures to further reduce the environmental impact that would otherwise result from construction of the Project. The FERC and CSLC staffs are recommending that these mitigation measures be attached as conditions to any authorizations issued by the FERC and the CSLC. These mitigation measures are presented in Section 5.6. The BLM will present, in its Records of Decision for the North Baja Pipeline Expansion Project, its own recommendations that incorporate the concurrence or non-concurrence of the BOR and the FWS.

Table 5.1-1 presents a summary of the Project's potential environmental impacts and the mitigation measures identified to avoid or reduce each impact. The impacts are classified before and after mitigation in accordance with the CEQA significance classifications. Table 5.1-1 also lists the agency(ies) responsible for monitoring each of the mitigation requirements. With a few exceptions,

discussed in Section 5.4, North Baja's proposed and/or the Agency Staffs' recommended mitigation would reduce potential environmental impacts to less than significant levels. Table 5.1-1 is the basis for the MMP that would be implemented during construction and operation of the North Baja Pipeline Expansion Project.

5.2 ALTERNATIVES CONSIDERED

The No Project Alternative was considered. The Agency Staffs concluded that while the No Project Alternative would eliminate the environmental impacts identified in this EIS/EIR, North Baja would not be able to provide transportation for LNG-source natural gas from the Mexican pipeline system into the United States to meet the demand for natural gas in California and other southwestern U.S. markets. This means customers in the southwestern United States would likely have fewer and potentially more expensive options for obtaining natural gas supplies in the near future. This might lead to alternative proposals to develop natural gas delivery or storage infrastructure, reduced use of natural gas, and/or the use of other sources of energy.

It is possible that the infrastructure currently supplying natural gas to the proposed market area could be developed in other ways unforeseen at this point. This might include constructing or expanding regional pipelines as well as LNG import and storage systems. Any construction or expansion work would result in specific environmental impacts that could be less than, similar to, or greater than those associated with the proposed Project. Increased costs could potentially result in customers conserving or reducing use of natural gas. Although it is possible that additional conservation may have some effect on the demand for natural gas, the level of conservation efforts, as described in the CEC's *2005 Integrated Energy Policy Report* (CEC 2005a), is not expected to significantly reduce the long-term requirements for natural gas or effectively exert downward pressures on gas prices.

Denying North Baja's applications could force potential natural gas customers to seek regulatory approval to use other forms of energy. California regulators are promoting renewable energy programs to help reduce the demand for fossil fuels. While renewable energy programs can contribute as an energy source for electricity, they cannot at this time reliably replace the need for natural gas or provide sufficient energy to keep pace with demand.

Alternatives involving the use of other existing or proposed LNG or natural gas facilities to meet the stated objectives of the proposed Project were evaluated. None of these system alternatives could meet the Project objectives within the time frame of the proposed Project. Furthermore, each of the system alternatives could result in its own set of significant environmental impacts that could be greater than those associated with the proposed Project.

The B-Line deviates from a designated utility corridor on BLM land at five locations in the CDCA. As part of the EIS/EIR for the A-Line, the alternative of following designated utility corridors was considered. Based on the analysis conducted for that project, the route selected for the A-Line, including the deviations from designated utility corridors and the crossing of the Milpitas Wash SMA, was determined to be environmentally preferable to a route that remained within designated utility corridors. The proposed B-Line would be adjacent to the existing A-Line for the entire route. The collocation of facilities is generally preferred by land management agencies, land use planners, and other regulatory agencies and has several inherent engineering and environmental advantages. Perhaps the most important of these advantages is that new land disturbance is minimized. Because of the advantages of collocation, and because the route selected for the A-Line that would be followed for the B-Line was previously determined to be environmentally preferable to a route that remains within a designated utility corridor, alternatives for the B-Line route that would follow designated utility corridors were not considered. One route alternative (22nd Avenue Alternative) in comparison with the corresponding

segment of the proposed B-Line was evaluated. The 22nd Avenue Alternative would avoid 18th Avenue. The 22nd Avenue Alternative was eliminated because it would merely transfer impacts from one or more property owners or communities to another without conferring obvious environmental advantages.

Eight route alternatives were evaluated in comparison with the corresponding segment of the proposed IID Lateral. Along the IID Lateral, North Baja proposes to deviate from a designated utility corridor at three locations within the CDCA. Two alternatives (Corridor L and Bonds Corner Alternatives) were evaluated to stay within a designated utility corridor for a longer distance than the proposed route. Four alternatives (CalTrans, ISDRA North, ISDRA Transmission Line, and ISDRA Grays Well Road Alternatives) were identified to avoid potential conflicts of the IID Lateral with existing and planned recreational use in the ISDRA. One alternative (the Modified ISDRA Transmission Line Alternative) was identified to avoid impacts on a cultural resources site. The eighth alternative (Gasoducto Bajanorte Pipeline Route Alternative) would connect directly from the Gasoducto Bajanorte pipeline west of Mexicali to the IID's El Centro Generating Station. The Agency Staffs determined that the Modified ISDRA Transmission Line Alternative is environmentally superior to the corresponding segment of the IID Lateral and are recommending that it be adopted. The remaining IID Lateral alternatives were eliminated because they would not be environmentally preferable to the corresponding segment of the IID Lateral, would be infeasible, or would not meet the Project objectives.

Four route variations (East Mesa Route Variation and Imperial Valley Route Variations A, B, and C) in comparison with the corresponding segment of the proposed IID Lateral were evaluated to avoid potential conflicts with other projects or address scoping comments. These route variations were eliminated because they would not be environmentally preferable to the corresponding segment of the IID Lateral, would be infeasible, or would merely transfer impacts from one or more property owners or communities to another without conferring obvious environmental advantages.

Aboveground facility site alternatives were evaluated. All of the proposed new and modified aboveground facilities are designed to meet the purpose and need of the North Baja Pipeline Expansion Project. The location of these facilities is dictated by the location of the existing and proposed pipelines and, in most cases, the proposed facilities would be collocated with existing and/or other proposed facilities. No significant impacts have been identified at any of the new or modified facilities; therefore, the alternative that would result in the creation of new industrial sites would not be environmentally preferable to the proposed Project and thus was eliminated from further consideration.

5.3 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The State CEQA Guidelines (section 15126.6(d)) require that an EIR include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed Project. An analysis of the No Project Alternative in comparison with the proposed Project is included in the major resource topics in Section 4. Based on the analysis in this EIS/EIR, the No Project Alternative would eliminate the environmental impacts associated with the proposed Project and, therefore, is the environmentally superior alternative. However, as discussed above, under the No Project Alternative North Baja would not be able to provide transportation for LNG-source natural gas from the Mexican pipeline system into the United States to meet the growing demand for natural gas in California and other southwestern U.S. markets.

Section 15126.6(e)(2) of the State CEQA Guidelines provides, in part, "If the environmentally superior alternative is the "No Project Alternative," the EIR shall also identify an environmentally superior alternative among the other alternatives." The Agency Staffs have determined that the proposed Project with the incorporation of the Modified ISDRA Transmission Line Alternative is the

environmentally superior alternative. The incorporation of the Modified ISDRA Transmission Line does not affect the length of the Project that would require a BLM plan amendment.

5.4 SIGNIFICANT UNAVOIDABLE IMPACTS/STATEMENT OF OVERRIDING CONSIDERATIONS

Effects on all resources were evaluated to determine any significant impact that would remain so after mitigation. As shown in Table 5.1-1, most environmental impacts would be reduced to less than significant levels by North Baja's proposed and/or the Agency Staffs' recommended mitigation. The Agency Staffs have determined that the Project is likely to adversely affect the Federal and California-listed threatened desert tortoise and its designated critical habitat and the federally listed threatened and California-listed endangered Peirson's milk-vetch. The Agency Staffs also believe that impacts on the flat-tailed horned lizard, which is a California-listed special concern species, and its habitat would be considered significant. As such, impacts on these three species would be considered significant. Approval of the Project would be subject to a Statement of Overriding Considerations under the CEQA due to these significant unavoidable impacts that could remain after all available or feasible mitigation is applied. In the BO issued on April 20, 2007, the FWS concluded that the proposed action is not likely to jeopardize the continued existence of the desert tortoise and its critical habitat or the continued existence of the Peirson's milk-vetch. The CDFG has not yet issued its conclusions regarding the impact of the Project on the desert tortoise, the Peirson's milk-vetch, and the flat-tailed horned lizard.

5.5 IRREVERSIBLE/IRRETRIEVABLE COMMITMENT OF RESOURCES; SHORT- AND LONG-TERM USES OF THE ENVIRONMENT

The major nonrenewable resources that would be consumed by the proposed Project are fossil fuels used to power construction vehicles and, over the life of the Project, the pipelines. Theoretically, the pipeline components could be reclaimed at the end of the pipelines' operational life. However, there would be a number of irretrievable resources committed to the proposal if the necessary authorizations are granted. The primary resources irretrievably lost would include:

- soils (water and wind erosion could occur in disturbed areas);
- crop production (lost or reduced for one season);
- special status species (mortalities could occur during construction, additionally, the Agency Staffs have determined that the Project is likely to adversely affect the desert tortoise and its designated habitat and the Peirson's milk-vetch, and significantly impact the flat-tailed horned lizard and its habitat);
- wildlife habitat (construction activities would result in the long-term loss of native desert habitats);
- land use (aboveground facilities and permanent access roads would replace native desert vegetation and urban/ruderal vegetation communities for the life of the Project); and
- visual resources (the presence of aboveground facilities would permanently affect viewsheds).

The Agency Staffs have concluded that overall the proposed Project would result in limited unmitigated adverse environmental impacts. While the losses described above would occur, the majority would be minimized and compensated for by North Baja's mitigation plans and the Agency Staffs'

mitigation measures. For these reasons, the irreversible and irretrievable resource commitments are considered acceptable.

5.6 FERC AND CSLC STAFFS' RECOMMENDED MITIGATION

If the FERC and the CSLC approve the North Baja Pipeline Expansion Project, the FERC and CSLC staffs recommend that the following measures be included as specific conditions of their respective Commission's authorizations, as appropriate, to further mitigate the environmental impact associated with the construction and operation of the Project:

1. North Baja shall follow the construction procedures and mitigation measures described in its applications, supplemental filings (including responses to staff data requests), and as identified in the EIS/EIR, unless modified by the FERC Order. North Baja must:
 - a. file a request for any modification to these procedures, measures, or conditions with the Secretary and the CSLC;
 - b. justify each modification relative to site-specific conditions;
 - c. explain how that modification provides an equal or greater level of environmental protection than the original measure; and
 - d. receive approval in writing from the Director of OEP and, for the lands under the CSLC's jurisdiction as the CEQA Lead Agency, the Executive Officer of the CSLC **before using that modification.**
2. The Director of OEP has delegation authority to take whatever steps are necessary to ensure the protection of all environmental resources during construction and operation of the Project. This authority shall allow:
 - a. the modification of conditions of the FERC Order; and
 - b. the design and implementation of any additional measures deemed necessary (including stop work authority) to assure continued compliance with the intent of the environmental conditions as well as the avoidance or mitigation of adverse environmental impact resulting from Project construction and operation.
3. **Prior to any construction**, North Baja shall file an affirmative statement with the Secretary, certified by a senior company official, that all company personnel, EIs, and contractor personnel will be informed of the EI's authority and have been or will be trained on the implementation of the environmental mitigation measures appropriate to their jobs before becoming involved with construction and restoration activities.
4. The authorized facility locations shall be as shown in the EIS/EIR, as supplemented by filed alignment sheets, and shall include the Modified ISDRA Transmission Line Alternative. **As soon as they are available, and before the start of construction**, North Baja shall file with the Secretary revised detailed survey alignment maps/sheets at a scale not smaller than 1:6,000 with station positions for all facilities approved by the FERC Order. All requests for modifications of environmental conditions of the FERC Order or site-specific clearances must be written and must reference locations designated on these alignment maps/sheets.

North Baja's exercise of eminent domain authority granted under NGA section 7(h) in any condemnation proceedings related to the FERC Order must be consistent with these authorized facilities and locations. North Baja's right of eminent domain granted under NGA section 7(h)

does not authorize it to increase the size of its natural gas pipelines to accommodate future needs or to acquire a right-of-way for a pipeline to transport a commodity other than natural gas.

5. North Baja shall file with the Secretary detailed alignment maps/sheets and aerial photographs at a scale not smaller than 1:6,000 identifying all route realignments or facility relocations, and staging areas, pipe storage yards, new access roads, and other areas that would be used or disturbed and have not been previously identified in filings with the Secretary. Approval for each of these areas must be explicitly requested in writing. For each area, the request must include a description of the existing land use/cover type, documentation of landowner approval, whether any cultural resources or federally listed threatened or endangered species would be affected, and whether any other environmentally sensitive areas are within or abutting the area. All areas shall be clearly identified on the maps/sheets/aerial photographs. Each area must be approved in writing by the Director of OEP **before construction in or near that area.**

This requirement does not apply to extra workspace allowed by North Baja's authorized CM&R Plan or minor field realignments per landowner needs and requirements that do not affect other landowners or sensitive environmental areas such as wetlands.

Examples of alterations requiring approval include all route realignments and facility location changes resulting from:

- a. implementation of cultural resources mitigation measures;
- b. implementation of endangered, threatened, or special concern species mitigation measures;
- c. recommendations by State regulatory authorities; and
- d. agreements with individual landowners that affect other landowners or could affect sensitive environmental areas.

6. **At least 60 days before the start of construction of Phase I and at least 120 days before the start of construction of Phase I-A and Phase II (unless otherwise agreed to by the CSLC),** North Baja shall file with the CSLC for the review and approval of the Executive Officer:

- a. a set of final engineering design drawings as issued for construction, certified by a California-registered civil/structural engineer. In addition to the pipeline alignments and profiles, the drawings shall provide information such as tie-in details, pipeline grade and material specifications, wall thickness, weight and corrosion coating, minimum bend radius (wherever applicable, such as HDD installations), normal and maximum operating pressure, hydrostatic test information, cathodic protection and test stations, and location and details of the nearest upstream pipeline flow emergency shutdown equipment, etc.;
- b. a set of detailed design calculations certified by a California-registered civil/structural engineer;
- c. for applicable portions of the segments, detailed HDD installation stress calculations and procedures;
- d. certified copies of any site-specific seismic hazard evaluation reports/studies and geotechnical reports;
- e. a set of construction specifications;
- f. detailed hydrotest procedures; and
- g. construction contractor's work execution plan and the contractor's site-specific blasting plan.

7. **Within 60 days of acceptance of the Certificate and before construction**, North Baja shall file an initial Implementation Plan with the Secretary and the CSLC for the review and written approval of the Director of OEP and the Executive Officer of the CSLC describing how North Baja will implement the mitigation measures required by the FERC Order and the CSLC MMP. North Baja must file revisions to the plan as schedules change. The plan shall identify:
- a. how North Baja will incorporate these requirements into the contract bid documents, construction contracts (especially penalty clauses and specifications), and construction drawings so that the mitigation required at each site is clear to onsite construction and inspection personnel;
 - b. the number of EIs assigned per spread and how North Baja will ensure that sufficient personnel are available to implement the environmental mitigation;
 - c. company personnel, including EIs and contractors, who will receive copies of the appropriate materials;
 - d. what training and instructions North Baja will give to all personnel involved with construction and restoration (initial and refresher training as the Project progresses and personnel change), with the opportunity for OEP and CSLC staffs to participate in the training session(s);
 - e. the company personnel (if known) and specific portion of North Baja's organization having responsibility for compliance;
 - f. the procedures (including use of contract penalties) North Baja will follow if noncompliance occurs; and
 - g. for each discrete facility, a Gantt or PERT chart (or similar project scheduling diagram), and dates for:
 - i. the completion of all required surveys and reports;
 - ii. the mitigation training of onsite personnel;
 - iii. the start of construction; and
 - iv. the start and completion of restoration.
8. North Baja shall file updated status reports with the Secretary and the CSLC on a **biweekly** basis **until** all construction-related activities, including restoration, are complete. These status reports shall also be provided to other Federal and State agencies with permitting responsibilities upon request. Status reports shall include:
- a. the current construction status of each spread, work planned for the following reporting period, and any schedule changes for stream crossings or work in other environmentally sensitive areas;
 - b. a listing of all problems encountered and each instance of noncompliance observed by the EI(s) or the third-party compliance monitors during the reporting period (both for the conditions imposed by the FERC and any environmental conditions/permit requirements imposed by other Federal, State, or local agencies);
 - c. corrective actions implemented in response to all instances of noncompliance, and their cost;
 - d. the effectiveness of all corrective actions implemented;
 - e. a description of any landowner/resident complaints that may relate to compliance with the requirements of the FERC Order and the CSLC mitigation monitoring program, and the measures taken to satisfy their concerns; and
 - f. copies of any correspondence received by North Baja from other Federal, State, or local permitting agencies concerning instances of noncompliance, and North Baja's response.

9. North Baja must receive written authorization from the Director of OEP **before commencing service for each component of the Project**. Such authorization will only be granted following a determination that rehabilitation and restoration of the right-of-way are proceeding satisfactorily.
10. **Within 30 days of placing the certificated facilities in service**, North Baja shall file an affirmative statement with the Secretary, certified by a senior company official:
 - a. that the facilities have been constructed in compliance with all applicable conditions, and that continuing activities will be consistent with all applicable conditions; or
 - b. identifying which of the Certificate conditions North Baja has complied with or will comply with. This statement shall also identify any areas along the right-of-way where compliance measures were not properly implemented, if not previously identified in filed status reports, and the reason for noncompliance.
11. North Baja shall adopt the Modified ISDRA Transmission Line Alternative between MPs 5.6 and 8.2 of the IID Lateral. *(Page 3-22)*
12. North Baja shall prepare a revised HDD Plan that specifies the corrective action and cleanup procedures that would be followed in the event a frac-out occurs in the water during an HDD operation. North Baja shall file the revised plan with the FERC and the CSLC for the review and written approval of the Director of OEP and the Executive Officer of the CSLC **before commencement of any HDD operation**. *(Page 4-56)*
13. North Baja shall, in consultation with the FWS, the BLM, and the CDFG, develop Preclearing Plans to protect migratory bird species during construction. These plans shall include specific details of the preclearing methods to be implemented, the specific locations where preclearing would occur, and the dates preclearing would be initiated and completed for each phase of construction. North Baja shall file these plans with the FERC and the CSLC for the review and written approval of the Director of OEP and the Executive Officer of the CSLC **before initiation of Phase I-A and Phase II construction activities**. *(Page 4-87)*
14. North Baja shall restrict stringing trucks to a 10-mile-per-hour speed limit on the right-of-way between MPs 48.0 and 68.0 of the B-Line. *(Page 4-101)*
15. North Baja shall implement the following measures at the Colorado River during activities associated with the HDD:
 - a. all individuals working within or adjacent to southwestern willow flycatcher habitat shall complete southwestern willow flycatcher training **before working within the construction right-of-way in those areas**; and
 - b. dust shall be strictly controlled by watering construction areas within 1,000 feet of potential habitat at the Colorado River. *(Page 4-102)*
16. North Baja shall implement the following measures to minimize impact on the Yuma clapper rail unless North Baja provides documentation from the FWS and the CDFG that such measures are not necessary or if site-specific surveys fail to identify individuals at the Alamo River or Rannells Drain:
 - a. ensure vegetation at the proposed crossing location of Rannells Drain, extending 150 feet on either side of the proposed construction work area, is cleared **before February 1, 2009**;

- b. ensure vegetation at the proposed crossing location of the Alamo River is cleared **before February 1, 2009**; and
 - c. initiate all construction activities at Rannells Drain and the Alamo River **between the hours of 8:30 AM and 3:30 PM** to avoid periods of peak Yuma clapper rail vocalizations. *(Page 4-103)*
- 17. North Baja shall not begin Phase I-A or Phase II construction activities **until**:
 - a. the CDFG makes a consistency determination on the FWS' BO pursuant to section 2080.1 of the California Fish and Game Code or issues an Incidental Take Permit that covers both federally and State-listed species that may be affected;
 - b. North Baja obtains an Incidental Take Permit under section 2081 of the California Fish and Game Code for all State-listed species that may be affected, or receives concurrence from the CDFG that an Incidental Take Permit is not required; and
 - c. North Baja has received written notification from the Executive Officer of the CSLC that construction or use of conservation measures may begin. *(Page 4-126)*
- 18. For those portions of the Project facilities where construction would occur more than 1 year from the date of issuance of the FERC and CSLC approvals for the Project, North Baja shall consult with the FWS, the BLM, and the CDFG to update the species list and to verify that previous consultations and determinations of effect are still current. Documentation of these consultations, and the need for additional surveys and survey reports (if required), and FWS, BLM, and CDFG comments on the surveys and survey reports and their conclusions (as applicable), shall be filed with the FERC and the CSLC **before construction begins on those facilities**. *(Page 4-126)*
- 19. North Baja shall revise its OHV Plan to include:
 - a. the agency or agencies responsible for enforcement of the OHV Plan;
 - b. the frequency of monitoring that would be conducted to ensure that the implemented OHV blocking measures are functioning properly;
 - c. the methodology for reassessing the implemented OHV blocking measures in the future; and
 - d. enforcement measures.

North Baja shall file the revised OHV Plan with the FERC and the CSLC for the review and written approval of the Director of OEP and the Executive Officer of the CSLC **before construction of Phase I-A and Phase II**. *(Page 4-151)*
- 20. North Baja shall prepare a Traffic Management Plan for Arrowhead Boulevard in consultation with the County of Riverside Transportation Department to detail the specific measures that would be used to control traffic during construction of the Arrowhead Extension. North Baja shall file the plan with the FERC and the CSLC for the review and written approval of the Director of OEP and the Executive Officer of the CSLC **before construction**. *(Page 4-177)*
- 21. North Baja shall defer implementation of any treatment plans/mitigation measures (including archaeological data recovery), construction of facilities, and use of all staging, storage, or temporary work areas and new or to-be-improved access roads on each respective Project phase **until North Baja files with the FERC and the CSLC, as applicable, the materials listed in items a. through g., and the steps listed in items h. through j. below have been completed**:
 - a. any FWS, Cibola NWR comments on the Overview and Survey Report;

- b. any BOR comments on the Evaluation Plan;
- c. any comments from the BOR and Native American tribes on the draft Evaluation Report;
- d. the revised Evaluation Report;
- e. the California SHPO's comments on Addendum Reports 2 and 3, the revised Evaluation Report, and the revised Historic Properties Treatment Plan;
- f. all additional cultural resources survey reports for denied access areas and any additional areas requiring survey, evaluation reports, and any necessary treatment plans as well as documentation that these reports and plans were submitted to the SHPO(s); the BLM; the BOR; the FWS, Cibola NWR; and Native American tribes, as applicable;
- g. any comments of the SHPO(s); the BLM; the BOR; the FWS, Cibola NWR; and Native American tribes, as applicable, on all additional cultural resources reports and plans;
- h. the CSLC reviews and approves all cultural resources reports and plans prepared for the California portion of the Project and notifies North Baja in writing that construction may proceed;
- i. the ACHP is afforded an opportunity to comment, if historic properties would be adversely affected; and
- j. the Director of OEP reviews and approves all applicable cultural resources reports and plans and notifies North Baja in writing that treatment plans/mitigation measures may be implemented or construction may proceed.

All material filed with the FERC containing **location, character, and ownership information** about cultural resources must have the cover and any relevant pages therein clearly labeled in bold lettering: "**CONTAINS PRIVILEGED INFORMATION - DO NOT RELEASE.**" (*Page 4-191*)

22. North Baja shall prepare a revised Project-wide Dust Control Plan that specifies the following:

- a. the sources of water that would be used for dust control;
- b. the anticipated quantities of water that would be required;
- c. the measures that would be implemented to prevent fish and fish egg entrainment during dust control water withdrawals;
- d. the precautions that would be taken to minimize fugitive dust emissions from construction activities;
- e. the measures that would be taken to limit visible density (opacity) of emissions to less than or equal to 20 percent;
- f. how visual density would be measured to determine that it is less than or equal to 20 percent;
- g. how compliance with the 20 percent visual density requirement would be documented;
- h. the individuals with authority to determine if/when water needs to be reapplied for dust control;
- i. the speed limit that would be required on unpaved roads and unpaved haul and access roads; and
- j. the individuals with authority to stop work if the contractor does not comply with dust control measures.

The revised Project-wide Dust Control Plan shall be filed with the FERC and the CSLC for the review and written approval of the Director of OEP and the Executive Officer of the CSLC **before construction.** (*Pages 4-60 and 4-203*)

23. North Baja shall prepare an Imperial County-specific Dust Control Plan that includes the measures of the revised Project-wide Dust Control Plan and meets the requirements of the

ICAPCD's Regulation VIII. The Imperial County-specific Dust Control Plan shall be filed with the CSLC for the review and written approval of the Executive Officer of the CSLC **before construction of the Imperial County portions of Phase I-A and Phase II.** *(Page 4-204)*

24. **Before placing the pipeline system into service in California**, North Baja shall submit to the CSLC for approval an Operation and Maintenance Plan. This plan shall address internal and external maintenance inspections of the completed facility, including but not limited to details of integrity testing methods to be applied, corrosion monitoring and testing of the cathodic protection system, and leak monitoring. The Operation and Maintenance Plan shall also specify that North Baja would, unless expressly prohibited by DOT regulations, conduct an internal inspection with a high-resolution instrument on a periodic basis, at a minimum of one inspection every 10 years, or sooner if the evidence suggests that significant corrosion or defects exist or if any new Federal or State regulations require more frequent or comparable inspections. **Within 3 months following any new Federal or State regulations**, North Baja shall update the Operation and Maintenance Plan and submit a revised copy to the CSLC. In addition, the Operation and Maintenance Plan shall include procedures for implementing operational mitigation measures recommended (if any) by the site-specific seismic hazard evaluation reports for the Project. *(Page 4-217)*